

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:

MIDWEST LUMBER & DIMENSION, INC., CHAPTER 11
DEBTOR. CASE No. 06-91630

**MOTION PURSUANT TO SECTION 1103 OF THE BANKRUPTCY CODE
FOR ORDER AUTHORIZING THE UNSECURED CREDITORS COMMITTEE
TO RETAIN AND EMPLOY AN ATTORNEY NUNC PRO TUNC**

TO: THE HONORABLE JUDGE OF THE UNITED STATES BANKRUPTCY
COURT FOR THE SOUTHERN DISTRICT OF INDIANA:

COMES NOW Midwest Lumber & Dimension, Inc., the above-captioned Debtor-in-Possession (hereinafter “Debtor”), and for its Motion pursuant to Section 1103 of Title 11 of the United States Code and Bankruptcy Rule No. 2014, respectfully moves as follows:

1. On October 24, 2006, Debtor filed a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code with this Honorable Court. Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, Debtor is continuing to generate revenues and manage its property as Debtor-in-Possession. An Unsecured Creditors Committee was thereby established.
2. The Unsecured Creditors Committee (hereinafter “Committee”) desires to employ and retain as its attorney Charles M. Friedman.
3. Section 1103(a) of the Bankruptcy Code provides, in part, as follows:

“(a) At a scheduled meeting of a committee appointed under section 1102 of this title, at which a majority of the members of such committee are present, and with the court’s approval, such committee of one or more attorneys, accounts, or other agents, to represent or perform services for such committee.”
4. The Committee has selected as its attorney Charles M. Friedman because it

believes that he is well-qualified to represent it in this Chapter 11 case.

5. The services of attorneys are necessary in order to enable Debtor to execute faithfully its duties as Debtor-in-Possession. Subject to the control and further order of this Court, Mr. Friedman will be required to render, *inter alia*, the following services to the Committee:

- (A) To give legal advise to the Committee as required;
- (B) To consult with the Trustee, OIP or any interested party;
- (C) To prepare on behalf of the Committee all necessary motions, answers, orders, reports and other legal papers in connection with the administration of Debtor's Estate herein; and
- (D) To perform any and all other legal services for the Committee in connection with this Chapter 11 case as necessary, to include assisting with the formulation of a Plan and any other services in the interest of those represented.

6. The Committee believes that it is necessary, and in the best interests of its Estate and creditors herein, for the Committee to employ and retain the undersigned to render professional services on its behalf.

7. Charles M. Friedman has informed the Committee that he:

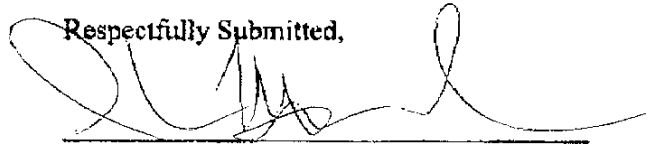
- (A) Has no connection with Debtor, its creditors or other Parties-in-Interest in this case;
- (B) He does not hold or represent any interest adverse to Debtor's Estate in the matters upon which he is to be engaged; and
- (C) He is a "disinterested person" as defined by Section 101(4) of the Bankruptcy Code.

8. An Unsecured Creditor Committee has been appointed herein.

9. No previous action for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Committee requests an entry of an Order authorizing it to employ and retain Charles M. Friedman to represent it in this Chapter 11 case effective, *nunc pro tunc* to the petition date, and granting it such other and further relief as is just and proper.

Respectfully Submitted,



Douglas Murowski, Chairman
Unsecured Creditors Committee for
Midwest Lumber & Dimension, Inc.



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing document was mailed via regular, U.S. Mail, with First Class postage affixed thereto, to the following individual(s) and/or entity(ies), addressed as indicated on the same date the document was electronically filed with the Court:

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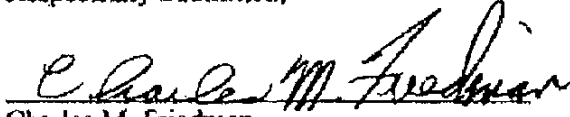
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